

## MINUTES

### CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

JANUARY 4, 2010

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Acting Chairman Jim Liberman presiding. Upon roll call, the following responded:

#### Present:

Acting Chairman Jim Liberman  
Steve Lichtenfeld, Aldermanic Representative  
Craig S. Owens, City Manager  
Marc Lopata  
Scott Wilson  
Ron Reim

#### Absent:

Chairman Harold Sanger

#### Also Present:

Catherine Powers, Director of Planning & Development Services  
Jason Jaggi, Planner  
Kevin O'Keefe, City Attorney

Acting Chairman Liberman welcomed everyone to the meeting. He asked that all cell phone ringers be turned off or muted and that conversations take place outside the room so as not to disrupt the meeting.

#### MINUTES

The minutes of the December 21, 2009 meeting were presented for approval. The minutes were approved after having been previously distributed to each member.

#### SITE PLAN REVIEW – CONSTRUCTION OF SURFACE PARKING AREA – 835 S. HANLEY ROAD (CONTINUED)

Eric Schmidt, representing the church, was in attendance at the meeting. Also in attendance were Joe Grimes, civil engineer, and Laura Reebe, attorney representing the church.

Catherine Powers explained that since the December 7<sup>th</sup> Plan Commission meeting, the applicant has met with the neighboring property owners on Biltmore and, as a result, made two

modifications to the plan as follows: 1) the southwest portion of the privacy fence has been moved away from the property line to preserve the bushes facing the neighboring property at 830 N. Biltmore, and 2) two pine trees are to be planted in the rear yard of 824 N. Biltmore to provide additional screening as viewed from the residence. Catherine stated that additionally, the applicant has received correspondence from MSD indicating that the project does not require a permit from them and based on this determination by MSD, the applicant has not adjusted the drainage plan. The remainder of the project is the same and is summarized as follows from the December 7, 2009 staff report: Central Presbyterian Church intends to convert the 835 S. Hanley multi-family structure into church offices. As such, the church is required to comply with the off-street parking requirements as an office use. To meet these requirements, the Church intends to construct 13 surface spaces in the rear yard of the single family residential properties located to the west numbered 818, 820 & 824 North Biltmore. These spaces will be accessed behind the 827 S. Hanley condominium building. Six (6) other spaces will be located behind the 835 and 827 S. Hanley buildings. A total of 20 spaces are being provided for the church offices. The proposed material for the parking spaces is asphalt. Central Presbyterian Church owns all of the properties affected by this parking area expansion, including the residential properties to the west. The amount of impervious coverage will increase by approximately 2,600 square feet due to the increase in surface parking. Three (3) existing grated inlets to the rear of the multi-family properties will collect the surface runoff. The plans indicate that runoff will increase with the proposed addition by 0.12 cubic feet per second from 2.26 cfs to 2.38 cfs. Eleven (11) trees totaling 90 caliper inches will be removed to accommodate the additional parking spaces. Of these removed trees, 5 trees totaling 68 caliper-inches do not require replacement due to their location underneath overhead power lines. Several of these trees have been extensively pruned and present an unnatural appearance. Due to the contemplated expansion of the church affecting these properties, the applicant is proposing to pay an in-lieu of fee for caliper inches not replaced. Since the December 7, 2009 Plan Commission meeting, the landscape and screening plan has been revised by moving the wood privacy fence approximately 6-feet from the neighboring residence at 830 N. Biltmore. This revision will allow the existing bushes to remain and will be more aesthetically pleasing for the adjoining property owners. Also proposed are two, 2-caliper inch Vanderwolf Pine trees to provide additional screening from the adjacent properties. As they mature, these trees will provide additional screening but cannot count toward replacement caliper inches because they are evergreens and not deciduous trees; therefore, the caliper inch deficit remains at 22-inches. A low-height Belgard Celtik retaining wall with a 4-foot black decorative fence is proposed along the west side of the parking spaces. The additional parking spaces are proposed to meet the City's parking requirements for office uses. It has been determined by the City that the conversion of the multi-family building to church offices falls within the allowable uses of religious activities and is therefore considered a permitted use within the R-2 Single Family Dwelling zoning district. Due to the location of these spaces behind the buildings they will not be visible from Biltmore Drive. The applicant has met with the neighboring property owners and has addressed their concerns by adjusting the location of the privacy fence and installing two pine trees in the rear yard of 824 N. Biltmore. The proposed in-lieu tree caliper replacement is acceptable due to the limited area for planting in the rear of these properties and in consideration of the future plans the church has for this area. The runoff generated by the expansion of parking has been increased; however, the surface water will be directed to storm water inlets currently in place on the property. According to the project engineer, MSD is not requiring installation of storm water BMP's due to the modest increase in runoff. More recently, the applicant has indicated to staff that MSD provided a letter indicating

the agency will not require a permit for this project. Overall, staff believes that the project represents an improvement compared to the previous submission and recommends approval with the following conditions:

1. That the applicant provide tree-caliper replacement of \$120 per caliper inches of trees not replaced (shown at 22 caliper inches equaling \$2,640)
2. That the size of the proposed pine trees be increased to 3-caliper inches
3. That a building permit be secured for the retaining wall prior to installation.

Catherine indicated that Elizabeth (Planning Intern) has compiled information regarding impervious coverage for all the affected sites as follows: 835 S. Hanley (60%); 824 N. Biltmore (52%); 820 N. Biltmore (59%); 818 N. Biltmore (59%).

Mr. Schmidt apologized for the lack of communication with the neighbors about this project and indicated that he met with Ms. Terranova on December 7<sup>th</sup> and as a result, made two modifications to the plan as Catherine mentioned. He indicated that there will be no drilling/blasting; the work consists of primarily fill work and therefore, there will be no harm to the neighboring structures. He stated that there is no lighting proposed for the parking area and that MSD has submitted a letter indicating that they are not requiring a permit. He stated with regard to future plans (an aerial view slide was presented), the church will add onto the Early Childhood Center wing along North Biltmore and provide additional parking where the 825/827 building is located. Mr. Schmidt mentioned that the church has a site in West County. He stated that he hopes the new plans address the concerns raised at the December 7<sup>th</sup> meeting.

Marc Lopata asked if the Church is obligated to comply with zoning regulations (specifically coverage allowances).

Catherine Powers indicated that although she is not an attorney and noting that the City Attorney had not yet arrived, she believes that the Church is only obligated to comply with certain requirements, such as health and safety issues. She reiterated that this is an institutional use in a residentially zoned district.

Marc Lopata asked if institutional is the same as commercial.

Catherine Powers replied “no”; she stated it is a religious organization and treated as such (not treated as residential or commercial).

A discussion ensued about what regulations churches are obligated to comply with and what regulations they are not. Note at this time the City Attorney had not yet arrived.

Kevin O’Keefe arrived at 5:50 p.m.

Ms. Toby Donn, 832 N. Biltmore, addressed the members, stating that the revised plans are more acceptable than the previously proposed plans. She indicated that Ms. Terranova could

not attend this meeting. She stated that there are still a couple of concerns; one being the intrusive sight of a yellow school bus that was recently parked at the rear of the duplex and the mention of only stone trim for future additions rather than complete stone construction. She stated that we (speaking for herself and Ms. Terranova) are not happy about the church being there and would like for them to move to West County.

Mr. Schmidt stated that the only reason the school bus was parked at the rear of the duplex was to charge its batteries. He stated that the busses park in the school garage and this situation will not happen again. He stated with regard to the construction, the it will be masonry with stone trim.

Brad Bernstein, 500 S. Meramec, suggested that an independent analysis of storm water run-off be conducted and collect payment in lieu of taxes.

Kevin O'Keefe commented that there is no provision for such payment and that is why they are exempt.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve per staff recommendations. The motion was seconded by Scott Wilson and received the following vote: Ayes: Acting Chairman Jim Liberman, Steve Lichtenfeld, Craig Owens, Scott Wilson and Ron Reim. Nays: Marc Lopata.

#### CONDITIONAL USE PERMIT/ARCHITECTURAL REVIEW – RESTAURANT – 7610 WYDOWN BLVD.

Jason Braidwood (3 G's Yogurt, LLC) and Tom Young, Architect (Space, LLC) were in attendance at the meeting.

Mr. Braidwood introduced himself to the members, stating that this is a family restaurant that will generate a lot of walk in customers. He stated that he hopes it is successful and that they are happy to fill a vacant storefront.

Acting Chairman Liberman asked why a Conditional Use Permit (CUP) is required.

Jason Jaggi indicated that all restaurants are required to operate under a CUP; no matter where they are located.

Steve Lichtenfeld mentioned the 4' pedestrian clearance as shown on the site plan. He asked if that area is private property.

Jason Jaggi stated that staff believes most of the area is private.

Mr. Bernstein commented that children and other individuals congregate along Wydown and that the children may be running back and forth across Wydown.

Jim Liberman referred to the existing traffic signal where pedestrians should cross.

Marc Lopata asked if kids will be welcomed at the yogurt shop.

Mr. Braidwood stated that they believe they can handle the younger crowd and they hope they do get the business.

Scott Wilson asked about trash.

Catherine Powers informed the members that the CUP speaks to keeping the area inside and outside clean.

Marc Lopata asked if “no loitering” signs will be posted.

Mr. Braidwood indicated he hopes to be more welcoming than that.

Steve Lichtenfeld asked if the toppings will also be self-serve.

Mr. Braidwood replied “yes”.

Steve Lichtenfeld asked if there will be a sneeze screen.

Mr. Braidwood replied “yes”.

Jake Bernstein (son of Brad Bernstein) asked if free samples will be available.

Mr. Braidwood replied “yes”. He stated that during their busy times, they will probably have somebody on the floor monitoring the food area, but it is a rather small space with an easy sight line.

Being no further questions or comments, Scott Wilson made a motion to recommend approval of the Conditional Use Permit per staff recommendations. The motion was seconded by Marc Lopata and unanimously approved by the members.

The architectural aspects of the project were now up for review.

Catherine Powers explained that the existing aluminum storefront will be replaced with painted white wood panels and an aluminum clad window system. The base of the front façade will consist of recessed wood panels. Wood and window frames are proposed to be painted white. Non-lettered graphics are proposed to be applied to the inside of windows. A metal dimensional sign with cut out letters and backed with light blue acrylic is proposed on the front façade facing Wydown Boulevard and will be back lit using LED lighting. Dimensions of the signage have not been provided. The plans indicate two orange colored heavy-grade plastic benches on the outside of the restaurant on either side of the entry doors. The applicant has indicated to staff that the desired color is off-white to match the façade and not orange as depicted in the drawing. These benches will be located on private property outside of the City’s right-of-way. The proposed white wood panel façade presents a clean appearance and will compliment the Wydown Boulevard streetscape.

The proposed signage is of high quality and is appropriate for the location. Staff has concerns with the appearance of the selected outside benches. If these benches were considered part of the City's outdoor dining permit program, the proposed material (similar in appearance to white resin) would be prohibited under the City's Outdoor Dining Standards. To be consistent with these standards, staff would prefer a more traditional material and color such as black metal; therefore, staff recommends approval with the following conditions:

- 1) That the outdoor furniture be black metal or heavy-gauge aluminum for an upgraded appearance.
- 2) That the applicant obtain a Sign Permit prior to installation of any exterior signage.

Catherine asked that these minutes note the requirement that the sidewalk area in front of the establishment be maintained free of litter and debris.

Mr. Braidwood stated that the kids like the outdoor furniture and asked that they be allowed to use it.

Mr. Young presented slides depicting various views of proposed Chill logo, storefront and interior renderings. He informed the members that Chill calls for a certain aesthetic design, both inside and out. He stated that the benches are not made of plastic; they are made of steel.

Ron Reim mentioned the off-white bench color. He stated that he would prefer an orange or black color.

Steve Lichtenfeld suggested a Chill blue color for the benches.

Marc Lopata stated that the white will be hard to keep clean.

Mr. Young agreed.

Craig Owens asked if they will hold up to skateboards.

Catherine Powers stated that staff had a concern with the benches if they were a resin material as indicated on the application.

Mr. Young stated that they are steel. He stated that a sample was not available for presentation at this meeting.

Scott Wilson asked if Protzel's/Sadie's were consulted.

Catherine Powers reminded the members that all property owners within 200 feet were sent notice of this meeting.

A brief discussion about the interior dimensions ensued. Mr. Braidwood stated that with the addition of a restroom, the interior alterations may be altered a bit.

Catherine Powers indicated that they cannot exceed the number of seats as indicated on their application/plans.

Being no further questions or comments, Marc Lopata made a motion to approve per staff recommendations (bench to be steel as indicated by applicant; color to be approved by staff). The motion was seconded by Steve Lichtenfeld and unanimously approved by the Board.

ARCHITECTURAL REVIEW – EXTERIOR ALTERATIONS – 6701 CLAYTON ROAD (ST. LOUIS BREAD COMPANY)

John Krone with Warren Sign Company was in attendance at the meeting.

Catherine Powers explained that this application is a consideration of a request by Warren Sign Company, contractor, on behalf of St. Louis Bread Company, for review of the design and materials associated with exterior painting, replacement awnings and signage at the subject site. The signage, paint colors, and awnings were previously approved by the Architectural Review Board on July 21, 2008 with the condition that the awnings contain no “wheat” logos. Permits were not applied for within one year of approval as required by ordinance and, therefore, this proposal must be reconsidered by the ARB. The building is to be painted three colors. The majority of the building will be painted orangish-yellow. The shared entrance between the former Custom Brew Haus and St. Louis Bread Company is to be painted red, as well as the border behind the proposed St. Louis Bread Company sign. The canopy above this entrance is to be painted green. The applicant is proposing to replace the current awnings with striped vinyl awnings that are plum, butterscotch and green in color. The awnings will not feature a company logo or other graphics. These awnings will be placed above each storefront window and the rear entrance. Additionally, an aluminum and acrylic LED front wall sign with internally illuminated channel letters is proposed above the new awnings facing Clayton Road. The proposed sign identifies St. Louis Bread Company and measures 50 square feet in conformance with the Sign Ordinance. A neon illuminated window pendant with an opaque sign face is proposed at the rear entrance. The sign in the rear will feature the company name and logo and will measure 8 square feet in conformance with the Sign Ordinance provisions for rear entry signs. Colors of both signs are green, white, black and light yellow. Catherine stated that this proposal is reflective of the Architectural Review Board’s approval in 2008. The main concern of the ARB at the time was the wheat logos on the awning. This proposal shows them removed. The paint colors are also similar to the previous approval. The proposed signage meets the size allocations provided in the Sign Ordinance and is proportional to the building and staff recommends approval with the condition that the applicant receive a sign permit prior to the installation of the signs on the building and that the applicant receive a building permit prior the installation of the new awnings.

Mr. Krone advised the members that Warren Sign was not the applicant on the previous proposal in 2008. A sample of the paint color was distributed. Mr. Krone indicated that their company is not going to be doing the painting. He stated that the change from the 2008 proposal is the change from neon to LED channel letters for the signage, which is more energy efficient.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve per staff recommendations. The motion was seconded by Marc Lopata and unanimously approved by the Board.

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Kevin noted that there are unique circumstances with respect to religious organizations and the under Missouri law, Chapter 89, religious organizations are not obligated to comply with zoning requirements. A discussion ensued regarding the rights of not-for-profit organizations.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 6:55 p.m.

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Recording Secretary